

**PROPOSED AMENDMENTS TO THE
LOCAL CRIMINAL RULES TO FACILITATE
IMPLEMENTATION OF
ELECTRONIC CASE FILING**

New material is **redlined** and deleted material is ~~stricken out~~.

LCrR 1.1 Definitions.

Unless the context indicates a contrary intention, the following definitions apply in these rules:

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(e) **ECF.** The term “ECF” means electronic case files and refers to the court’s web-based document filing system that allows a document to be transmitted, signed, or verified by electronic means in a manner that is consistent with technical standards established by the Judicial Conference of the United States.

LCrR 47.1 Motion Practice.

Unless otherwise directed by the presiding judge, motion practice is controlled by subsection (h) of this rule. In addition, the parties must comply with the following:

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(c) **Proposed Order.** An unopposed motion must be accompanied by an agreed proposed order, signed by the attorneys or parties. An opposed motion **that is submitted on paper** must be accompanied by a proposed order, **set forth on a separate document**, unless an order is not required by subsection (h) of this rule. ~~A proposed order must be set forth on a separate document.~~

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LCrR 49.2 Filing of ~~and~~ **Serving Pleadings, Motions, or Other Papers.**

(a) **Filing with the Clerk.** ~~Except for discovery material, All a~~ pleadings, motions, or other papers that the Federal Rules of Criminal Procedure permit or require to be filed, ~~except discovery materials that is submitted on paper,~~ must be filed with the clerk's office for the appropriate division. Such pleadings, motions, or other papers ~~shall~~ **must** not be sent directly to the presiding judge.

(b) **Duplicates Required.** An original and one copy of each pleading, motion, or other paper **that is submitted on paper** must be filed with the clerk.

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(e) **Serving by Electronic Means.** Delivery of the notice of electronic filing that is automatically generated by ECF constitutes service under Fed. R. Crim. P. 49(b) on each party who is a registered user of ECF.

(f) **Electronic Filing Permitted.** In a case designated by the presiding judge as an ECF case, the clerk will accept any pleading, motion, or other paper submitted by an attorney (other than a party proceeding pro se) for filing by electronic means, subject to the restrictions and requirements of the ECF Administrative Procedures Manual.

LCrR 49.3 Required Form.

In addition to the requirements of the Federal Rules of Criminal Procedure, each pleading, motion, or other paper must:

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(b) contain a signature block that sets forth the attorney's bar number for the jurisdiction in which the attorney is admitted to practice, and a facsimile number **and e-mail address** where information may be sent to the attorney;

(c) **use a page size of** ~~be filed on paper measuring~~ 8½ x 11 inches;

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(e) **when submitted on paper,** unless otherwise provided by the local criminal rules **or order of the presiding judge,** be two-hole punched at the top and either stapled in the upper, left-hand corner or secured with a durable fastener at the top.

LCrR 49.4 Notice of Orders and Judgments.

(a) **Furnishing Copies of Orders and Judgments.** Unless the presiding judge otherwise directs, the clerk shall furnish a copy of each order and judgment to counsel of record by first class mail or, where the clerk has the capability to do so, by facsimile electronic transmission. To receive orders and judgments by facsimile electronic transmission, the attorney of record must sign an agreement form provided by the clerk, and must comply with the applicable procedures established by the clerk. Where a party is represented by more than one attorney of record, the attorney designated in accordance with LCrR 49.4 (b) or (c) shall receive copies of orders and judgments and distribute them to co-counsel for the same party: who have not received a notice of electronic filing from ECF.

LCrR 49.5 Electronic Signature.

- (a) **What Constitutes Electronic Signature.** The signature of an attorney who submits a pleading, motion, or other paper for filing by electronic means is the login and password issued to the attorney by the clerk.
- (b) **Requirements for Electronic Signature.** An attorney who submits a document for filing by electronic means must place on the document an “s/” and the typed named of the attorney, or a graphical signature, in the space where the attorney’s signature would have appeared had the document been submitted on paper.
- (c) **Certification of Signature of Another Person.** By submitting a document by electronic means and representing the consent of another person on the document, an attorney who submits the document certifies that the document has been properly signed.
- (d) **Requirements for Another Person’s Electronic Signature.** An attorney who submits a document by electronic means that is signed by another person—other than a charging document or a document signed by a defendant—must:
 - (1) include a scanned image of the other person’s signature, or represent the consent of the other person in a manner permitted or required by the presiding judge;
 - (2) maintain the signed paper copy of the document for five years after final disposition of the case; and
 - (3) upon request of the presiding judge or clerk, provide the signed paper copy of the document.

LCrR 49.6 Requirement of Paper Copies of Certain Electronically-Filed Documents.

When a charging document—including a complaint, information, indictment, or superseding indictment—or any document signed by a criminal defendant is submitted by electronic means, the attorney who submitted the document must deliver an original, signed paper document to the clerk within three days.

LCrR 55.1 Case Files.

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(b) Inspection of Files. Except as otherwise limited by rule or by court order, The electronic portion of an original file in each a pending or closed case shall be available for public inspection in the clerk's office. The paper portion of an original file shall be available in the division where the case is filed: , unless the file has been removed to a federal records center. The clerk shall not release the paper portion of a file from the clerk's custody without the permission of the presiding judge, or except as permitted by subsection (d) of this rule.

~~(c) **Inspection of Closed Files.** The file in a closed case shall be available for public inspection in the clerk's office in the division where the case was filed, unless the file has been removed to the appropriate federal records center.~~

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LCrR 57.13 Change of Address ~~Contact Information~~ or Name.

(a) Attorney Who is Not a Registered User of ECF.

When an attorney admitted to practice in this district and who is not a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney shall, within 30 days, must promptly notify the clerk, using the approved method, and the presiding judge, in writing, in each pending case. ~~file notice of the change with the clerk, using the approved form. On the form, the attorney shall list the style and docket number of all cases that the attorney has pending before this court.~~

(b) Attorney Who is a Registered User of ECF.

When an attorney admitted to practice in this district and who is a registered user of ECF changes the attorney's business address, e-mail address, telephone number, facsimile number, or name, the attorney must promptly change this information in ECF, following procedures set forth in the ECF Administrative Procedures Manual.